

FILED

MAR 26 2025
U. S. DISTRICT COURT
EASTERN DISTRICT OF MO
ST. LOUIS

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

v.

LUIS FERNANDO HERRERA-LUNA,

Defendant.

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4:25CR149-RWS/SRW

MOTION FOR PRE-TRIAL DETENTION AND HEARING

Comes now the United States of America, by and through its attorneys, Sayler A. Fleming, United States Attorney for the Eastern District of Missouri, and Geoffrey S. Ogden, Assistant United States Attorney for said District, and moves the Court to order defendant detained pending trial, and further requests that a detention hearing be held three (3) days from the date of defendant's initial appearance before the United States Magistrate pursuant to Title 18, United States Code, Section 3141, *et seq.*

The Bail Reform Act requires that before conducting a requested detention hearing, the court is to determine that the case is eligible for said hearing under section 3142(f). Section 3142(f)(1) authorizes a detention hearing in a case involving (1) a crime of violence; (2) an offense carrying a penalty of life imprisonment or death; (3) a federal drug offense carrying a penalty of ten years or more; (4) a felony following convictions for two or more of the three foregoing offenses; or (5) any felony that is not otherwise a crime of violence that involves a minor victim, or that involves the possession or use of a firearm or destructive device or any other dangerous weapon or involves a failure to register as a sex offender. 18 U.S.C. §3142(f)(1). In this case,

Defendant is charged with illegal reentry under Title 8, United States Code, Section 1326(a), which are not one of the crimes enumerated under § 3142(f)(1).

However, the court may hold a hearing on its own motion or the government's motion in a case that involves a serious risk of flight or a serious risk that the person will obstruct or attempt to obstruct justice; threaten, injure or intimidate or attempt to threaten, injure or intimidate a prospective witness or juror. 18 U.S.C. §3142(f)(2).

On February 16, 2025, investigators with HSI, including St. Louis Enforcement and Removal Operations ("ERO"), arrested HERRERA-Luna, a Mexican national. Manchester Police Department (St. Louis County) Officers initially arrested HERRERA-Luna in connection with his alleged receipt of stolen goods/property from a commercial business on February 13, 2024. He was arrested with four other individuals who were also involved in the larceny. Upon learning that he had no legal status in the United States, an Immigration and Customs Enforcement ("ICE") detainer was placed on HERRERA-Luna on February 14, 2025, and he was subsequently transferred to ERO custody, where his identity was confirmed through fingerprint analysis.

HERRERA-Luna was previously encountered by ICE investigators in Tulsa, Oklahoma, after he was arrested for a separate larceny incident, on or about September 21, 2024. This took place after HERRERA-Luna had illegally entering the United States on an unknown date. A final order of deportation was entered on October 29, 2024, and he was subsequently removed from the United States back to Mexico on or about November 4, 2024. There is no record of him re-entering the United States after having obtained the express consent of the Attorney General of the United States or the Secretary of Homeland Security to reapply for admission to the United States. HERRERA-Luna is currently in ERO custody at an ERO detention facility pending removal.

After his most recent arrest by Manchester Police and ICE authorities, investigators interviewed HERRERA-Luna and the other individuals he was with during the time of his arrest. It was determined that HERRERA-Luna had no permanent address in the EDMO or elsewhere, and that he is in fact homeless.

There is a serious risk that the defendant will flee should he be released. Defendant was removed from the United States in November of 2024, only several months prior to his most recent arrest here in the Eastern District of Missouri. He has shown that he is determined to disregard the laws of the United States generally, and his order of removal in particular, by returning without proper permission/authorization. Such an immediate unlawful reentry after being removed just several months prior inherently raises the likelihood and risk that Defendant will flee this district if given the opportunity and that he will not willingly submit himself to prosecution. Defendant has established the fact that he does not want to remain in Mexico. The fact of the matter is that because Defendant is currently in U.S. Marshal custody, he will eventually be returned to Mexico.

Moreover, Defendant lives a transient lifestyle. He has no known home in the EDMO or elsewhere, and no known ties to this District by way of family or employment. If granted a bond, there is nothing that will deter Defendant from fleeing the district and fleeing prosecution, while there are obvious reasons that would incentivize him to do so.

WHEREFORE, for the foregoing reasons, the United States respectfully requests that this Court find that this case involves a serious risk that Defendant will flee, and that the United States is entitled to a detention hearing in this matter pursuant to Title 18, United States Code, Section 3142(f)(2)(A). Furthermore, the United States requests that this Court find that there are no conditions or combination of conditions that will reasonably assure defendant's appearance as required, and that Defendant be ordered detained prior to trial.

Respectfully submitted,

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